# UNITED STATES PATENT AND TRADEMARK OFFICE

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| 10/080,697 | 02/25/2002 | Takuji Maeda | 401584 | 8364 |

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| EXAMINER |
|---|
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| 2137 | |

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *25 February 2002*.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-14* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *2/25/02* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date *05212002; 09102002*.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

## DETAILED ACTION

Claims 1-14 have been considered.

### *Claim Objections*

5          Claim 10 is objected to because of the following informalities:  the phrase "registration data in the

authentication, or the combination of authentications" should be reworded to "registration data obtained

from the authentication or combination of authentications".  Appropriate correction is suggested but not

required.


10                                          *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

15

Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to

particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1,9, and 10 recite the limitation "selecting one among the plurality of authentications and the at

least one combination of the authentications".  It is unclear what this limitation entails.  This claim could

20    be read as "selecting one among the plurality of authentications and *selecting* the at least one

combination of authentications".  This claim could also be read as "selecting *either* one among the

plurality of authentications *or* at least one combination of authentications".  Dependent claims 2-8 and 11-

14 are rejected as being based on independent claims 1,9, and 10 which have the indefinite subject

matter.  Appropriate correction is required.

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### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for

the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the
5          applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10

Claims 1,9, and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Batson, U.S.

Patent Application Publication No. 2002/0169874.


As per claims 1,9, and 10, the applicant describes an authentication method comprising the

15    following limitations are met by Batson:

a) generating a plurality of authentications and at least one combination of the authentications

([0021], Fig 3);

b) calculating and storing authentication performance for each of the plurality of authentications

and the at least one combination of the authentications ([0021], Fig 3);

20          c) selecting one among the plurality of authentications and the at least one combination of the

authentications, which meets target performance required for authentication ([0027]);

d) authenticating a person after verification of input data of the person with registration data in the

authentication, or the combination of the authentications ([0030]);

Batson discloses an authentication system in which an administrator is able to set target

25    authentication performance levels required for access to services. This is done by the administrator

assigning security levels to a plurality of authentication and authentication-combination types (see Fig 3).

The user must meet a certain target authentication performance level in order to access particular

services. For example, in order to access "set preferences" (Fig 4A), the user must successfully complete

the target authentication performance level of 2 (Fig 3). In other words the user must present the

30    authentication combination weak encryption and a certificate (Fig 3). The selection of the plurality of

authentications and combination of authentications can be automated or manually selected by the user

([0029]). If the user selects to verify his identity by presenting the authentication combination strong

encryption and password ([0027]), the user selects a combination which has an authentication level of 6

and meets the target authentication performance required for all services.

5          As per claim 2, the applicant describes the authentication-selection system of claim 1, which is

met by Batson, with the following limitation which is met also met by Batson:

           a) a combination generator which generates a plurality of authentications at least one

combination of said authentication means ([0026]);

           b) a calculator which calculates authentication performance for each of said plurality of

10   authentications and the at least one combination of said authentication means ([0026]).

           As per claim 3, the applicant describes the authentication-selection system of claim 2, which is

met by Batson, with the following limitation which is met also met by Batson:

           a) a target-performance setter which sets the target performance (Fig 4A);

15         b) a limiting-condition setter which sets a limiting condition for said authentication means ([0030]);

           c) said combination generator generates the plurality of authentications and the at least one

combination of said authentication means, based on the limiting condition ([0030]);

           d) said authentication-means selector selects one among the plurality of authentications and the

at least one combination of said authentication means, based on the limiting condition ([0030]).

20

           As per claim 4, the applicant describes the authentication-selection system according to claim 3,

which is met by Batson, with one of the following limitations which is also met by Batson:

           a) a plurality of kinds of said plurality of authentication means (Fig 3);

           b) a priority in said plurality of kinds of said plurality of authentication means;

25         c) a combination of the plurality of authentications;

           d) priority in the combination of authentications;

           e) number of the plurality of authentications for combination;

f) priority in the number of authentications for combination;

g) number of candidate combinations.


As per claim 5, the applicant describes the authentication-selection system according to claim 1,

which is met by Batson, with the following limitations which are also met by Batson:

a) a performance storage device for storing authentication performance of said authentication

means (Fig 3, [0026]);

b) a log-analyzer for analyzing log data which are authentication results of said authentication

means, and for reflecting analysis results on the authentication performance of said authentication means

(Fig 3, [0026]).


As per claim 6, the applicant describes the authentication-selection system according to claim 5,

which is met by Batson, with the following limitation which is also met by Batson:

Wherein said performance storage device stores authentication performance for each registrant

([0027]).


As per claim 7, the applicant describes the authentication-selection system of claim 1, which is

met by Batson, with one of the following limitations which is also met by Batson:

a) a probability density function of a matching score indicating degrees of coincidence between

input data and registration data in a case where a person is a registrant;

b) a numerical table (Fig 3);

c) a probability distribution;

d) a parameter for approximation by a normal distribution.


As per claim 8, the applicant describes an authentication system comprising the following

limitations which are met by Batson:

a) the authentication-selection system according to claim 1 for selecting one among a plurality of authentications and at least one combination of the authentications ([0027]);

b) at least one of a plurality of authentication means for authenticating a person by verification of input data of persons with registration data, wherein authentication of a person is performed by said

5    authentication selected or by the combination of the authentications selected ([0027]).


As per claims 11,12,13, and 14, the applicant describes the method of claims 9 and 10, which are met by Batson, with the following limitation which is also met by Batson:

A computer-readable recording medium ([0029]).

10

Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Kawan, U.S. Patent Application Publication No. 2001/0049785.


As per claims 1-14, the applicant describes an authentication method comprising the following

15   limitations which are met by Kawan:

a) generating a plurality of authentications and at least one combination of the authentications ([0032] and [0033]);

b) calculating and storing authentication performance for each of the plurality of authentications ([0032] and [0033]);

20    c) selecting one among the plurality of authentications and the at least one combination of the authentications, which meets target performance required for authentication ([0032] and [0033]);

d) authenticating a person after verification of input data of the person with registration data in the authentication, or the combination of the authentications ([0032] and [0033]);

Kawan discloses an authentication method in which combinations of biometric authentications for

25   a particular user are stored according to a particular performance. These combination authentication performances are stored as authentication templates. One particular performance may be presenting a fingerprint, certificate, and face in this particular sequence [0032]. When the user selects this particular

combination of authentications in the particular order, the system template is checked to make sure the

performance of the authentications meets target performance as specified in the system template. If the

performance matches the stored target performance, the user is authenticated.


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Any inquiry concerning this communication or earlier communications from the examiner should

be directed to Kevin Schubert whose telephone number is (571) 272-4239. The examiner can normally

be reached on M-F 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

10 Emmanuel Moise can be reached on (571) 272-3868. The fax phone number for the organization where

this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application

Information Retrieval (PAIR) system. Status information for published applications may be obtained from

either Private PAIR or Public PAIR. Status information for unpublished applications is available through

15 Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC)

at 866-217-9197 (toll-free).


MATTHEW SMITHERS
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